

~~FILED DEC - 6 2002~~

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
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IN RE WELLBUTRIN SR/ZYBAN)
ANTITRUST LITIGATION)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS)
Master File No. 02-CV-4398
Judge Bruce W. Kauffman
ORAL ARGUMENT REQUESTED

FILED DEC - 5 2002

**MOTION OF DEFENDANTS TO DISMISS
PLAINTIFFS' COMPLAINT**

Defendants, GlaxoSmithKline PLC and SmithKline Beecham Corp. d/b/a GlaxoSmithKline, hereby move pursuant to Federal Rule of Civil Procedure 12(b)(6) for an order dismissing Plaintiffs' Complaint ("Complaint") on the grounds that the Complaint fails to state a claim upon which relief can be granted. In further support of the motion, Defendants respectfully refer the Court to the reasons set forth in the Memorandum In Support Of Motion to Dismiss, filed herewith.

WHEREFORE Defendants respectfully request the Court to enter an order dismissing with prejudice all counts alleged in the Complaint against Defendants in their entirety.

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Respectfully submitted,



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Dated: December 5, 2002

CERTIFICATE OF SERVICE

I certify that the foregoing Defendants' Motion to Dismiss was served on the counsel listed in the service list below by fax and overnight mail on December 5, 2002.



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